

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**THE ESTATE OF IMOGENE RIDENOUR,
by executrix Billi Jo Volek,**

Civil Case No. 1:20-cv-202

and

BILLI JO VOLEK,

Plaintiffs,

v.

**G. RUSSEL ROLLYSON, JR.,
Deputy Commissioner of Delinquent and
Nonentered Lands of Marion County, WV,
in his official and personal capacities,**

and

WONDERFULLY WILD LLC,

Defendants.

**PLAINTIFFS' REPLY TO COUNTERCLAIM OF DEFENDANT
WONDERFULLY WILD LLC**

1. Plaintiffs deny the allegations of paragraphs 1 through 5 of defendant Wonderfully Wild LLC's counterclaim.
2. This Court has no subject matter jurisdiction, there being no independent statutory basis for federal jurisdiction over the counterclaim asserted.
3. Wonderfully Wild LLC assumed the risk of any injuries claimed, itself caused any injuries incurred, and is estopped by its own actions and failures of due diligence and compliance with law from obtaining relief.

4. The counterclaim is barred by illegality, Wonderfully Wild LLC's failure to give all required notices, and its failure to fulfill all conditions precedent to standing to assert the claims made.

5. The counterclaim fails to state a claim for relief and West Virginia's tax sale laws deny and preclude any remedy as claimed.

6. Wonderfully Wild LLC has failed to mitigate any damages or injuries claimed.

7. If Wonderfully Wild LLC has suffered any legal injury, the legal cause of that injury was defendant and defendant G. Russell Rollyson, Jr., against whom no counterclaim has been asserted.

PLAINTIFFS DEMAND A JURY TRIAL ON ALL ISSUES SO TRIABLE.

**The Estate of Imogene Ridenour
Billi Jo Volek, Plaintiffs
By Counsel**

/s/ Gary M. Smith
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